

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00252

CHRISTOPHER NEIL SMITH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 30, 2013, the United States of America appeared by Blaire L. Malkin, Assistant United States Attorney, and the defendant, Christopher Neil Smith, appeared in person and by his counsel, Rhett H. Johnston, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a thirty-month term of supervised release in this action on June 25, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on February 4, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on July 2 and September 16, 2013, and his admissions to the probation officer on July 15 and August 22, 2013, that he had used marijuana; (2) the defendant used and possessed buprenorphine without a prescription as evidenced by a positive urine specimen submitted by him on August 30, 2013; (3) the defendant failed to answer truthfully all inquiries by the probation officer as set forth in violation #2; and (4) the defendant failed to abide by the special condition that he reside at SECOR for a period of six months inasmuch as he entered the program on August 23, 2013, and was terminated on September 1, 2013, for failing to abide by the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

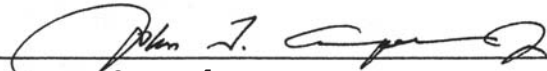
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-four (24) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition

that he make himself available for drug abuse counseling and treatment as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 21, 2013



John T. Copenhaver, Jr.
United States District Judge